IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

**WP(C).No. 27902 of 2007(V)**

**PETITIONER:**

K.T. SAIDALAVI, AGED 44 YEARS,
S/O.SRI.KUNHIMOHAMMED K.T.,
KINATTINGATHODI HOUSE,
ARIPRA P.O., ANGADIPPURAM VIA.,
MALAPPURAM DISTRICT
(EX-PUMP OPERATOR, KERALA WATER AUTHORITY,
P.H.SUB DIVISION, TIRUR).

BY ADV. SRI.M.R.GOPALAKRISHNAN NAIR

**RESPONDENTS:**

THE KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR,
VELLAYAMBALAM, THIRUVANANTHAPURAM.

BY ADV.SRI.C.UNNIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

# V.GIRI, J.

**W.P.(C).No.27902 of 2007 V**

**Dated this the 20th day of September, 2007.**

## JUDGMENT

The petitioner was appointed as a pump operator in the Water Authority, on a provisional basis, as per Ext.P1 order dated 8.7.1997. According to him, though his initial appointment was for a period of 179 days, he was allowed to continue beyond that period and thus he worked for 968 days as on 30.3.1990. He submitted Ext.P2 application for leave without allowance for 64 days on medical grounds and yet another application for leave without allowance on medical grounds. According to him, leave was not sanctioned unjustifiably. The petitioner's services were terminated with effect from 17.5.1990, as per Ext.P3 order, which reads as follows:

> "I hereby ordered (sick) that the provisional service in respect of Sri.K.T.Saidalavi, Operator attached to P.H.Section, Kottakkal is terminated with effect from 17.5.90 FN due to the unauthorised absence from duty with effect from 17.5.90 FN"

2. Apparently, the petitioner submitted Ext.P3 and proceeded to take up employment abroad. He claims that he

has come back. He is aged 54 years. He submitted Ext.P4 representation in that behalf before the respondent. Ext.P4 does not bear a date on the postal slip attached to Ext.P4 bears a date 28.6.2007. The petitioner refers to a case of reinstatement of certain CLR workers in the year 1997 and claims parity of treatment. No further details are furnished in the writ petition. I am of the view that the petitioner cannot be permitted to challenge Ext.P3 or seek a benefit which was denied a decade back. Even the alleged reinstatement of certain CLR workers, going by the version of the petitioner, seems to have taken place in the year 1997. It seems that the petitioner was working abroad during that period.

Writ petition is misconceived and the same is dismissed.

Sd/-

**(V.GIRI)**

**JUDGE**

sk/

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P.S. To Judge